

REMARKS

Reconsideration of the present application is respectfully requested.

Summary of Office Action

Claims 1-53 were rejected under 35 U.S.C § 102(e) as being anticipated by the U.S. Patent no. 6,029,141 of Bezos et al. ("Bezos").

Summary of Amendments

In this amendment, independent claims 1, 9, 16, 24, 32, 42, and 49 have been amended. Claims 3, 11, 18, 26, and 35 have been canceled. No new matter has been added.

Discussion of 35 U.S.C. § 102(e) Rejections

The present invention deals with providing performance based referral credit to certain web based referring entities. Here, the referral credit is based on transactions a user makes upon referral from the referring entities. In one embodiment of the present invention, a referring entity (e.g., a website) presents a merchant's publication to a user. Examples of the publication includes newsletters and email announcements. Here, the referring entity is assigned a unique identifier associated with the publication.

In this embodiment, the referring entity allows the user to provide input to subscribe to the publication. Here, the input provided by the user includes an identifying information (such as the user's email address). A tracking code is assigned

to trace the user input and the unique identifier associated with the referring entity. The input may also optionally include any personal preferences supplied by the user. For example, in a sports related context, a user may select settings or provide preference information during the subscription process to indicate that she likes a particular game or a particular team.

After the user provides the required information, he is then subscribed to a periodic issue of the publication. For example, the publication may be delivered to the user once or may be delivered on a daily basis or on a weekly basis. In this embodiment, the user is then allowed to select an entity from publication he received in response to his subscription. A tracking code attached to a particular subscribed publication is identified (when the user conducts a transaction with the entity) in order to provide credit to the associated referring entity.

In another embodiment of the present invention, the content of the publication may be optionally personalized based on the personal preferences supplied by the user during the subscription process. For example, in addition to general content, the publication may also include content specific to a particular game or a particular team as indicated by the user.

Accordingly, independent claims 1, 9, 16, 24, 32, 42, and 49 have been amended to recite in relevant part, "receiving input from the user, in response to the referring entity presenting the publication to the user, for subscribing the user to the publication utilizing a network, wherein the input includes at least the user's e-mail address and any preferences supplied by the user" (emphasis added). Additionally, the same claims have also been amended to include the limitation that recites in relevant part, "subscribing the user to a periodic issue of the publication based on the input received from the user" (emphasis added). The claims have also been amended to

recite in relevant part, "forwarding the publication to the user after the user subscribes to the publication" (emphasis added).

The prior art Bezos, on the other hand, does not teach at all that a referring entity allows a user to subscribe to a publication. In general, Bezos teaches a method to enable an internet sales merchant to "market and sell goods in cooperation with [w]eb sites" [col. 1, lines 50-54]. Specifically, Bezos teaches that a referring entity "can enroll as an associate" with the merchant, and that the associate can "disseminate catalogs ... that include the associate's reviews and/or recommendations on specific products sold by the merchant" [col. 1, lines 55-60]. Bezos merely provides that the catalogs (including newsletters or emails) are disseminated to the users, and that these catalogs contain links to specific products or information.

However, Bezos does not teach or suggest at all that a user is allowed to subscribe to a catalog through the referring entity. Also, Bezos neither indicates that the user receives the publication upon subscription through the referring entity, nor does Bezos even suggest that the user can provide personal preferences during the subscription process. In fact, Bezos does not even mention that a user is allowed to subscribe to receive the catalogs. Therefore, the Applicants respectfully submit that the present invention is clearly distinguishable from Bezos.

For at least the above reasons, therefore, independent claims 1, 9, 16, 24, 32, 42, and 49 are thought to be patentable over the cited art. Additionally, the remaining dependent claims derive their patentability from the above claims. Therefore, claims these dependent claims are also thought to be patentable by virtue of being dependent from claims 1, 9, 16, 24, 32, 42, and 49.

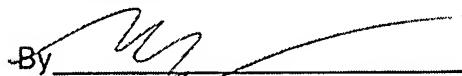
CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2207, under Order No. 59149-8002.US01 from which the undersigned is authorized to draw.

Dated: Aug 19 2008

Respectfully submitted,

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